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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STERLING ATKINS,

Petitioner,

2:02-cv-01348-JCM-PAL

vs.

ORDER

TIMOTHY FILSON *et al.*,

Respondents.

_____ /

The petitioner in this capital habeas corpus action, Sterling Atkins, filed a fourth amended habeas petition on August 26, 2016 (ECF No. 183). Respondents filed a motion to dismiss on December 22, 2016 (ECF No. 192). Atkins filed an opposition to the motion to dismiss (ECF No. 202), as well as a motion for evidentiary hearing (ECF No. 203) and motion for leave to conduct discovery (ECF No. 204) on April 21, 2017. Respondents were then due to file a reply in support of their motion to dismiss, and responses to the motion for evidentiary hearing and discovery motion, no later than May 22, 2017. *See* Order entered August 10, 2016 (ECF No. 167) (30 days).

On May 22, 2017, respondents filed a motion for an extension of time (ECF No. 207), requesting a 74-day extension of time, to August 4, 2017. Respondents' counsel states that the extension of time is necessary because of her obligations in other cases and time away from her office in May and June. Atkins' counsel does not oppose the motion for extension of time.

1 The court finds that respondents' motion for extension of time is made in good faith and not
2 solely for the purpose of delay, and that there is generally good cause for an extension of time.
3 However, the court finds that 74 days is excessive. The court will grant the motion for extension of
4 time, but only to the extent of 60 days, to July 21, 2017. *The court will not be inclined to further*
5 *extend this due date.*

6 **IT IS THEREFORE ORDERED** that respondents' Motion for Extension of Time
7 (ECF No. 207) is **GRANTED IN PART AND DENIED IN PART**. Respondents shall have until
8 **July 21, 2017**, to file a reply in support to their motion to dismiss, and responses to petitioner's
9 motion for evidentiary hearing and motion for leave to conduct discovery.

10 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
11 proceedings set forth in the order entered August 10, 2016 (ECF No. 167) shall remain in effect.

12 Dated May 25, 2017.

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16 UNITED STATES DISTRICT JUDGE
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